

## **REMARKS**

The Office Action dated February 4, 2005, has been received and carefully noted. The above amendments and the following remarks are submitted as a full and complete response thereto.

By this amendment, claim 1 has been amended as to form only. The amendments to the claims do not narrow the scope of the claims. Claims 1-7 are pending and respectfully submitted for consideration.

Claims 1-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bingle in view of Becker. The Office Action acknowledged that Bingle fails to disclose a translucent polycarbonate having a transparent coating thereon, and fails to disclose a transparent coating having a metallic gloss. Becker was cited for teaching a transparent coating having a metallic gloss for use on translucent plastics. Claims 2 and 3 depend from claim 1 and claim 5 depends from claim 4. The Applicants traverse the rejection and respectfully submit that claims 1-5 recite subject matter that is neither disclosed nor suggested by the cited references.

Bingle discloses a safety handle for a trunk of a vehicle. The handle 12 is injection-molded from a resinous polymeric material such as polycarbonate/PBT or polycarbonate/ABS.

Becker discloses that properties of hybrid polymers or ceramers can be tailored to include transparent properties and can be used in automotive applications. See column 36, lines 16-36. Becker also discloses brush coating a mixture comprising polyureasilazane and diepoxide and further comprising ceramic filler onto a Type 304 stainless steel plate. The coated mixture was cured at 150°C for about 2 hours. A

“silvery” metallic coating composition exhibiting gloss and abrasion resistance was formed. See Column 64, lines 21-42.

With respect to independent claims 1 and 4, the Applicants submit that the combination of Bingle and Becker fails to disclose or suggest the combination of claimed features of the invention. Claim 1 recites “a main body molded from a translucent synthetic resin; and a translucent plating coat formed on the surface of the main body and having a metallic gloss.” Claim 4 recites “a lever main body molded from a translucent synthetic resin, and a translucent plating coat formed on the surface . . . whereby in a lighted environment, the translucent plating coat on the surface of the lever main body gives off a metallic gloss.”

The Office Action took the position that Becker discloses a “transparent coating having a metallic gloss for use on translucent plastic”. See paragraph 2 of the Office Action. The Applicants respectfully submit that Becker does not disclose such teaching. Rather, Becker discloses:

When the properties of the hybrid polymer or ceramer are tailored to include, for example, transparency, rigidity or stiffness, toughness or impact resistance, abrasion resistance, weatherability or UV light resistance and/or chemical resistance, the hybrid polymers or ceramers of the present invention **would be ideally suited for use as**, for example, clear or colored transparent or translucent bodies including, for example, hard contact lenses, automotive lenses (e.g., headlights, taillights, etc.), safety and/or security glazing, skylights, illuminated signs, optical fibers, optical fiber coatings, windshields (e.g., automotive, construction equipment, motorcycles, etc.), guards (e.g., industrial machining equipment, commercial appliances, consumer appliances, etc.), mirrorized sheets, double extrusion panels (e.g., solar energy applications, etc.), etc. Additionally, coatings possessing the above listed properties **may be used as**, for example, floor waxes, emulsion or latex paints with increased temperature resistance without reducing transparency (e.g., baseball bats, fence posts, timbers, fence rails, decking, marine plywood, etc.). Additionally,

the hybrid polymers or ceramers of the present invention may be applied as cements (e.g., glues, contact adhesives, etc.) possessing properties for combining chemically and/or microstructurally and/or structurally similar, or dissimilar materials including, for example, metals, minerals, ceramics (e.g., dental adhesives, ceramic paper, etc.), plastics or polymers, natural materials (e.g., to form plywood, particle board, etc.), metal matrix composites, ceramic matrix composites, plastic or polymer matrix composites and combinations thereof.

(Emphasis Added)

See Becker, column 34 lines 20-49. Becker further discloses:

#### EXAMPLE 121

The present Example demonstrates, among other things, brush coating an stainless steel with a composition made from a mixture comprising polyureasilazane and diepoxide and further comprising ceramic filler. A coating mixture was prepared by handmixing in an open vessel about 20 grams of diglycidyl ether of Bisphenol "A" (Cat. No. 8760, Dajac Laboratories, Inc., Southhampton, Pa.), about 20 grams of Polymer B (to which about 0.5 wt % of DI-CUP.RTM. R dicumyl peroxide, Hercules Inc., Wilmington, Del., had been added), about 10 ml of acetone (histological grade, Fisher Chemical, Fairlawn, N.J.), about 0.5 grams of phthallic acid (Cat. No. 40,291-5, Aldrich Chemical Company, Inc., Milwaukee, Wis.) and about 5 grams of 1000 grit (average particle diameter of about 5 microns) 39 CRYSTOLON.RTM. green silicon carbide powder (Norton Co., Worcester, Mass.). The coating mixture was brush coated onto a surface of an AISI Type 304 stainless steel plate. The coated mixture was cured at about 150.degree. C. for about 2 hours. A "silvery" metallic coating composition exhibiting excellent gloss and abrasion resistance formed. The coating composition also exhibited excellent adhesion to the stainless steel plate.

See Becker, column 64 lines 21-42.

In contrast to the Office Action's statement, there is no disclosure or suggestion in Becker of coatings being applied to translucent bodies in automotive applications, or coatings being applied to any plastics, or resinous materials. Specifically, neither of the above-reproduced paragraphs in Becker discloses, "a transparent coating having a

metallic gloss *for use on translucent plastics*,” as asserted in the Office Action. The Applicants respectfully request that the Examiner identify where in the disclosure of Becker the claimed features can be found.

The Office Action also took the position that “Bingle [Becker] specifically discloses that the numerous examples of use for such coatings *is not inclusive*. See also lines 9-19 of column 34.” (Emphasis added). See page 4 lines 4-5 of the Office Action. The Applicants submit that the Examiner’s reliance on the examples in Becker as “not inclusive” is not a substitute for an actual disclosure of a translucent plating coat formed on the surface of a main body molded from a translucent synthetic material. Under U.S. Patent Practice, to establish a *prima facie* case of obviousness . . . the prior art reference (or references when combined) must teach or suggest **all** the claim limitations. See MPEP § 2143. Becker does not disclose a translucent plating coat formed on the surface of a main body molded from a translucent synthetic material. Further, the “numerous examples” of the use of the hybrid polymers or ceramers in Becker is not a suggestion of the claimed features of the invention. Therefore, the Applicants request withdrawal of the rejection of claims 1 and 4 in view of Bingle and Becker as the references, alone or in combination, do not disclose or suggest at least the combination of a main body molded from a **translucent** synthetic resin; and a **translucent** plating coat formed on the surface of the main body and having a metallic gloss. As Becker does not disclose or suggest coating a translucent synthetic resin, Becker does not cure the deficiency in Bingle.

Under U.S. Patent Practice, in order to establish a case of *prima facie* obviousness, there must be a reasonable expectation of success. Here, there is no

reasonable expectation of successfully producing a metallic gloss on the translucent bodies or coatings formed from the hybrid polymer disclosed in Becker. In particular, Becker discloses forming a “silvery” coating by applying a mixture to stainless steel, which is a different material from the translucent synthetic resin recited in claims 1 and 4.

The silvery metallic coating composition disclosed in col. 64 of Becker is formed because the coating is applied to stainless steel. There is no disclosure or suggestion in Becker that applying the same coating to a polycarbonate handle of Bingle would produce the same result. As such, the resulting “silvery” appearance produced by coating stainless steel does not guarantee that the same result will occur by coating the hybrid polymer disclosed in Becker. Thus, the Applicants respectfully submit that there is no reasonable expectation that the hybrid polymer disclosed in Becker, if coated with the coating mixture disclosed in col. 64, lines 21-42, would give off a metallic gloss. Therefore, there is no reasonable expectation of success that coating the polycarbonate handle of Bingle would cause the handle to have a “silvery” appearance or give off a metallic gloss.

The Applicants respectfully submit that there is no disclosure in Becker linking the coating disclosed in col. 64 to the hybrid polymer disclosed in col. 34. As such, the Applicants submit that combining disparate properties without a motivation or expectation of success does not establish *prima facie* obviousness. Accordingly, the Applicants submit that Becker does not disclose a translucent plating coat formed on the surface of a main body molded from a translucent synthetic resin and having a metallic gloss as recited in claims 1 and 4.

Also, with respect to claims 1 and 4, the Applicants submit that the combination of Bingle and Becker fails to disclose or suggest other claimed features of the invention. Claims 1 and 4 recite “whereby, in a lighted environment, the plating coat on the surface of the main body gives off a metallic gloss”. The Office Action acknowledged that Bingle fails to disclose or suggest this claimed feature of the invention. The Applicants submit that Bingle does not disclose or suggest how the safety release assembly 10 can operate in a lighted environment, or when the deck lid 16 is open. Namely, in Bingle, it is not necessary to make the safety release assembly 10 constructed so that it is easily recognized visually in a lighted environment, such as when the lid is open because Bingle is directed exclusively to a handle in a closed dark trunk space and to a situation where a person (mainly a small child) is accidentally trapped within the trunk space 18 of a vehicle. The object of Bingle is to help the trapped person easily and swiftly find a safety release assembly 10 in a dark environment. Thus, Bingle lacks a teaching or suggestion that would give one skilled in the art the motivation to consider how to make the system appeal to, and be recognized by, users in a lighted environment. As such, the Applicants submit that the prior art of Bingle does not disclose or suggest its own modification in the manner suggested in the Office Action, and therefore, the desirability of the claimed invention.

Becker also fails to cure the deficiencies in Bingle with respect to claims 1 and 4 as Becker does not disclose or suggest, “whereby in a lighted environment, the plating coat on the surface of the main body gives off a metallic gloss.” Further, as discussed above, there is no disclosure or suggestion that applying the coating brushed onto the stainless steel plate of Becker as a coating on the polycarbonate safety release

assembly in the dark environment of Bingle would allow the safety release assembly in Bingle to give off a metallic gloss as recited in claims 1 and 4. Therefore, the combination of Bingle and Becker fails to disclose or suggest the combination of features claimed in claim 4.

Claims 6 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Aikens in view of Bingle and further in view of Becker. Aikens was cited for disclosing many of the claimed elements of the invention with the exception of an operating knob made from a translucent resin and having a translucent plating coat formed on the surface of the knob main body. Bingle and Becker were cited for curing this deficiency. Claim 7 depends from claim 6. The Applicants submit that claims 6 and 7 recite subject matter that is neither disclosed nor suggested by the cited references.

Aikens discloses a combination passenger reading light and air ventilator. A socket assembly 50 includes an electrically conductive mounting member 52, which includes a first cylindrical portion 54 adapted to engage the base of an electric light bulb. The bezel element 100 is removably secured to, and mostly within, ball housing 12. The bezel element 100 includes a first portion 102 insertable through a front opening 28 into the inner chamber 30 of ball housing 12. The bezel element first portion 102 is formed of a resilient material such as a synthetic polymeric material.

Claim 6 recites a knob main body molded from a translucent synthetic resin, and a translucent plating coat formed on the surface of the knob main body. . . whereby, in a lighted environment, the translucent plating coat on the surface of the knob main body gives off a metallic gloss. As acknowledged by the Office Action, Aikens and Bingle fail to disclose or suggest this feature. As discussed above, with respect to claims 1 and 4,

Becker does not disclose or suggest a translucent plating coat formed on the surface of a main body molded from a translucent synthetic resin and having a metallic gloss, and therefore, cannot teach coating the polycarbonate member of Bingle. Therefore the combination of Aikens, Bingle and Becker do not disclose or suggest the combination of a knob main body molded from a translucent synthetic resin, and a translucent plating coat formed on the surface of the knob main body. . . whereby, in a lighted environment, the translucent plating coat on the surface of the knob main body gives off a metallic gloss as recited in claim 6.

In connection with the above arguments, the Applicants respectfully submit that Bingle, Becker and Aikens, either singly or in combination, do not disclose or suggest at least the feature of, "in a darkened environment, the lamp within the main body is lit up to inform a vehicle occupant of the presence of the resin member" as recited in claim 1, and "in a darkened environment, the built-in lamp within the main body is lit up to inform a vehicle occupant of the presence of the resin member" as recited in claims 4 and 6.

With respect to this feature, the Applicants respectfully direct the Examiner's attention to the "DESCRIPTION OF THE RELATED ART" at page 1 of the specification. In this description, conventionally used synthetic resin members, whose surfaces have a plating coat with a metallic gloss, cannot provide a high-class image at night unless (outside) light is reflected from the plating coat. In view of this problem, the present invention proposes that a lamp is built in a main body of a translucent synthetic resin with a translucent plating coat having a metallic gloss being formed on the body and, at night or in a darkened environment, the light is lit up inside the main body to make the light of the lamp pass through the translucent main body, thereby putting the plating



coat on the main body in a light-emitting state. Owing to this unique arrangement, even if any light from the outside is not reflected from the plating coat, an occupant of the vehicle can be reliably informed of the presence of the resin member.

Thus, the present invention includes the feature of a built-in lamp provided in the main body to assist the light-emitting of the plating coat on the main body.

Bingle teaches, at column 7, lines 9-14, that illumination source 46 may be within handle portion 12a of handle 12 or provided by handle 12 being made out of a highly visible and glowing phosphorus material. This teaching does not give the skilled person the inventive idea of the present invention that a lamp is built in a translucent main body and additionally a translucent plating coat having a metallic gloss is formed on the main body, and lighting the lamp makes the light of the lamp pass through the translucent main body, thereby putting the plating coat on the main body in a light-emitting state. See, for example, page 4, lines 10-16 of the specification. Accordingly, the Applicants submit that the cited art does not disclose or suggest the claimed features of the invention, and thereby fail to disclose or suggest the critical and non-obvious advantages provided by the invention.

Under U.S. Patent Practice, the PTO has the burden under §103 to establish a *prima facie* case of obviousness. In re Fine, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Both the case law of the Federal Circuit and the PTO itself have made clear that where a modification must be made to the prior art to reject or invalidate a claim under §103, there must be a showing of proper motivation to do so. The mere fact that a prior art reference could arguably be modified to meet the claim is insufficient to establish obviousness. The PTO can satisfy this burden only by showing some objective

teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. Id. In order to establish obviousness, there must be a suggestion or motivation in the reference to do so. See also In re Gordon, 221 USPQ 1125, 1127 (Fed. Cir. 1984) (prior art could not be turned upside down without motivation to do so); In re Rouffet, 149 F.3d 1350 (Fed. Cir. 1998); In re Dembiczak, 175 F.3d 994 (Fed. Cir. 1999); In re Lee, 277 F.3d 1338 (Fed. Cir. 2002). The Office Action restates the advantages of the present invention to justify the combination of references. There is, however, nothing in the applied references to evidence the desirability of these advantages in the disclosed structure.

The Applicants submit that as neither the combinations of Bingle and Becker, and Aikens, Bingle, and Becker disclose or suggest each and every feature of the claimed invention, the Office Action has failed to establish a *prima facie* case of obviousness for purposes of a rejection of claims 1-7 under 35 U.S.C. § 103.

Claims 2 and 3 depend from claim 1, claim 5 depends from claim 4, and claim 7 depends from claim 6. The Applicants respectfully submit that these dependent claims are allowable at least because of their dependency from allowable base claims 1, 4 and 6. Accordingly, the Applicants respectfully request allowance of claims 1-7 and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 107348-00209.**

Respectfully submitted,



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